

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

DINO PALADINO,

Plaintiff,

- against -

07 Civ. 1579 (DRH) (ARL)

DHL EXPRESS (USA), INC. and,
INTERNATIONAL BROTHERHOOD OF
TEAMSTERS AIR FREIGHT CHAUFFERS,
HANDLERS, WAREHOUSEMEN & ALLIED
WORKERS UNION NO. 295,

**AFFIDAVIT OF JOHN
NUTTALL IN SUPPORT OF
SUMMARY JUDGMENT**

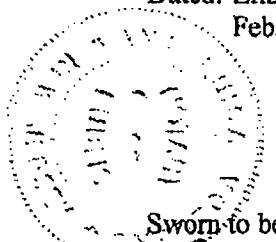
Defendants.

STATE OF NEW JERSEY)
) ss:
COUNTY OF UNION)

JOHN NUTTALL, being duly sworn, deposes and says:

1. I am currently the Labor Relations Manager for DHL Express (USA), Inc. ("DHL") and submit this affidavit in support of DHL's Motion for Summary Judgment in connection with the above-captioned matter.
2. Under the collective bargaining agreement between DHL and Local 295 ("CBA"), "theft" has consistently been interpreted by both DHL and Local 295 to include "theft of time."
3. Stanley Aiges is the long-time grievance arbitrator under the CBA (including predecessor agreements).

Dated: Elizabeth, New Jersey
February 19, 2009



Swear to before me this
19 day of February 2009

A handwritten signature in black ink, appearing to read "John Nuttall".

John Nuttall

A handwritten signature in black ink, appearing to read "Ana Luisa Vollero".

Notary Public

ANA LUISA VOLERO
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 10/20/2009

CERTIFICATE OF SERVICE

I hereby certify that a true and copy of the foregoing Affidavit of John Nuttall in Support of Defendant's Motion for Summary Judgment, dated February 19, 2009, was served via overnight delivery, this 20th day of February 2009, upon the following counsels:

To: Kosta K. Kollef, Esq.
Law Office of Michael G. O'Neill
30 Vesey Street, 3rd Floor
New York, New York 10007

Counsel for Plaintiff Dino Paladino

Joshua S.C. Parkhurst, Esq.
Cary Kane LLP
1350 Broadway, Suite 815
New York, New York 10018

*Counsel for Defendant International Brotherhood of Teamsters Air Freight
Chauffeurs, Handlers, Warehousemen & Allied Workers Union No. 295*



Cindy E. Uh

Dated: New York, New York
February 20, 2009